**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

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**WRIT PETITION No.26234 of 2005**

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**Dated: 16.12.2005**

Between:

D.Sekhar Reddy S/o.late D.Bal Reddy
R/o.H.No.6-46, Gandhinagar, Behind DCC Bank,

Kalwakurhty, Mahaboobnagar District.

**..... PETITIONER**

AND

The General Manager,
The District Co-op. Central Bank Limited,

Mahaboobnagar, Mahaboobnagar District and another.

**.....RESPONDENTS**

**ORDER:**

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The petitioner was employed as a Secretary of the second respondent-Society. He was placed under suspension, through proceedings dated 17.10.2003. His grievance is that he is neither being paid subsistence allowance nor any enquiry is initiated against him.

On behalf of the respondents, a counter-affidavit is filed. It is stated that the petitioner was served with a Charge Memo, dated 28.02.2004, and he had submitted

explanation on 10.08.2004. He stated that the Supervisor of Primary Agricultural Cooperative Society (PACS), Kalwakurthy, was appointed as an enquiry officer on 04.04.2005, and
in spite of notice, the petitioner is not participating in the enquiry. It is alleged that the subsistence allowance could not be paid to the petitioner on account of his non-availability. A further contention is raised to the effect that the petitioner is due a sum of Rs.27,593/- to the society.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The bye-laws of the second respondent-society empower the management to place its employees under suspension, pending enquiry into charges of misconduct. The second respondent passed an order on 17.10.2003, placing the petitioner under suspension, and the same was followed by a Charge Memo, dated 28.02.2004, holding that the petitioner misappropriated a sum of Rs.78,020/-. The petitioner submitted his explanation and states that no progress has taken place thereafter.

The respondents have clearly stated that the Supervisor of PACS, Kalwakurthy, was appointed as the enquiry officer on 04.04.2005. Though there is dispute between the parties as to the communication of the notice in the further proceedings, it is not necessary to go into such aspects, in detail. The petitioner can be required to appear before the enquiry officer on a specified date, and the respondents can also be directed to pay the subsistence allowance to the petitioner, duly making certain deductions.

Hence, the writ petition is disposed of directing that:

a. the petitioner shall appear before the enquiry officer, namely Sri.K.Muthayala Reddy, Supervisor, PACS, Kalwakurthy, on 27.12.2005, without waiting for any formal communication and shall furnish his address for the purpose of further communication;

b. the second respondent shall calculate the amount of subsistence allowance payable to the petitioner, deducting a sum of Rs.1,000/- per month towards the arrears recoverable from the petitioner i.e, Rs.27,593/-. The balance shall be paid to the petitioner on 27.12.2005 itself, on filing a declaration to the effect that he is not

gainfully employed ever since his suspension; and

c. In case the petitioner does not cooperate in the enquiry, it shall be open to the enquiry officer as well as the second respondent to proceed with the matter, in accordance with law.

d. There shall be no order as to costs.

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16.12.2005

Note: Furnish C.C. in three days.

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